

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RUSSELL FREDERICK
SCHAUFLEER,

Plaintiff,

v.

KILOLO KIJAKAZI,¹
*Acting Commissioner of Social
Security,*

Defendant.

No. 4:20-CV-00798

(Chief Judge Brann)

(Magistrate Judge Cohn)

ORDER

MARCH 22, 2022

Russell Frederick Schaufler filed this action seeking review of a decision of the Acting Commissioner of Social Security (“Commissioner”) denying Schaufler’s claim for social security disability benefits and supplemental security income.² In December 2021, Magistrate Judge Gerald B. Cohn issued a Report and Recommendation recommending that this Court affirm the Commissioner’s decision and close this case.³

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Kilolo Kijakazi, as the successor officer to Andrew Saul, Commissioner of Social Security, is automatically substituted as Defendant in this action.

² Docs. 1, 14.

³ Doc. 20.

Schaufler filed timely objections to the Report and Recommendation.⁴ In his objections, Schaufler contends that Magistrate Judge Cohn erred in concluding that: (1) the administrative law judge (“ALJ”) properly evaluated the opinion of Schaufler’s treating physician; (2) the ALJ properly afforded little weight to Neil A. Hemmelstein, Ph.D.’s opinion; and (3) the ALJ properly evaluated Lisa A. Osachy, PsyD.’s opinion.⁵ “If a party objects timely to a magistrate judge’s report and recommendation, the district court must ‘make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁶ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁷

Upon *de novo* review of the record, the Court finds no error in Magistrate Judge Cohn’s conclusion that the Commissioner’s decision is supported by substantial evidence. Although Schaufler disputes some of Magistrate Judge Cohn’s conclusions, and this Court may have reached a different conclusion than the ALJ if presented with this matter in the first instance, Magistrate Judge Cohn correctly determined that, as a whole, the ALJ’s decision is supported by substantial evidence.

⁴ Doc. 21.

⁵ *Id.*

⁶ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁷ 28 U.S.C. § 636(b)(1); Local Rule 72.31.

Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Gerald B. Cohn's Report and Recommendation (Doc. 20) is **ADOPTED**;
2. The Commissioner's decision is **AFFIRMED**;
3. Final Judgment is entered in favor of Defendant and against Schaufler pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge